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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Martin Debreczeny et al.

Serial No.: 10/797,475

Filed: March 9, 2004

For: Pulse Oximetry Motion Artifact Rejection
Using Near Infrared Absorption By Water

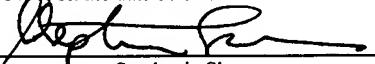
§ Group Art Unit: 3768
§ Examiner: Lin, Jack
§
§ Atty. Docket:
TYHC:0147/FLE/POW/STA
P0397R/ 009103-019700US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

10/24/2006 MWOLIDGE1 00000051 061315 10797475

01 FC:1806 180.00 DA

Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
October 19, 2006	 Stephanie Shamgar
Date	

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.97(c) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

Furthermore, the references listed on the attached PTO/SB/08A Form is not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed on the attached PTO/SB/08A Form in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

Attached hereto is a PTO-2038 Form authorizing the appropriate fee set forth in 37 C.F.R. § 1.17, as required by 37 C.F.R. §1.97(c)(2). While the designated fee is believed sufficient, the Commissioner is authorized to charge any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:0147/FLE/POW/STA (P0397R).

Respectfully submitted,

Date: October 19, 2006


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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT OCT 28 2006 (Use as many sheets as necessary)		Complete if Known			
		Application Number		10/797,475	
		Filing Date		March 9, 2004	
		First Named Inventor		Martin Debreczeny	
		Art Unit		3768	
		Examiner Name		Jack Lin	
Sheet 1 of 1	of 1	Attorney Docket Number			TYHC:0147/FLE/POW/STA (P0397R)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A1	US-	3,638,640	02/01/1972	Shaw	
A2	US-	4,714,341	12/22/1987	Hamaguri et al.	
A3	US-	4,911,167	03/27/1990	Corenman et al.	
A4	US-	5,337,745	08/16/1994	Benaron	
A5	US-	5,385,143	01/31/1995	Aoyagi	
A6	US-	5,482,036	01/09/1996	Diab et al.	
A7	US-	5,645,059	07/08/1997	Fein et al.	
A8	US-	5,645,060	07/08/1997	Yorkey	
A9	US-	5,803,908	09/08/1998	Steuer et al.	
A10	US-	5,842,981	12/01/1998	Larsen et al.	
A11	US-	6,266,546	07/24/2001	Steuer et al.	
A12	US-	6,687,519	02/03/2004	Steuer et al.	
A13	US-				
A14	US-				
A15	US-				
A16	US-				
A17	US-				
A18	US-				
A19	US-				
A20	US-				

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
B1	JP 05-212016		08/24/1993	Takuo		
B2	WO 94/03102		02/17/1994	Parker et al.		
B3						
B4						
B5						
B6						

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.